

Message Text

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ACTION NEA-10

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FOR NEA/INS

E.O. 11652 GDS
TAGS: SHUM; NP
SUBJ: DRAFT HUMAN RIGHTS EVALUATION

REF: STATE 151752

1. WE HAVE NO MAJOR PROBLEMS WITH DRAFT HUMAN RIGHTS
EVALUATION TRANSMITTED REFTEL. FOLLOWING SUGGESTIONS
ARE, HOWEVER, DESIGNED TO REFLECT FACT THAT ONLY
OPONENTS OF MONARCHY ARE RESTRICTED, BUT ALSO THOSE
WHO, WHILE ACCEPTING FACT OF FUTURE MONARCHY WOULD LIKE
TO MOVE IN DIRECTION OF MULTI-PARTY CONSTITUTIONAL
MONARCHY.

2. FOLLOWING ARE SUGGESTED CHANGES. PARAGRAPH 4(A)
TO READ"ALTHOUGH TORTURE IS NOT CONDONED BY THE GOVERN-
MENT NOR COMMONLY PRACTICED IN NEPAL, THERE HAVE BEEN
CONFIRMED REPORTS OF VARYING DEGREES OF POLICE BRUTALITY."
PARAGRAPH 4C FINAL SENTENCE TO READ: HIS MAJESTY'S
GOVERNMENT HAS MADE CLEAR THAT IT WILL CONTINUE TO ARREST
PERSONS WHO VIOLATE THE GOVERNMENT'S GROUND RULE FOR
ACCEPTABLE POLITICAL ACTIVITY. ALTHOUGH THIS POWER HAS
BEEN USED LESS FREQUENTLY IN THE LAST SEVERAL YEARS,
POLITICAL FIGURES WHO HAVE PRESSED FOR A RETURN TO MULTI-
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PARTY CONSTITUTIONAL MONARCHY HAVE BEEN ARRESTED ON A
VARIETY OF CHARGES.

3. PARAGRAPH 4D FINAL SENTENCE TO READ: "JUDGES ARE,
HOWEVER, BEHOLDEN TO THE KING AND GOVERNMENT FOR APPOINT-
MENT, AND IT WOULD BE HIGHLY UNLIKELY FOR A JUDGE TO
OVERTURN GOVERNMENT CASE OF PROSECUTION FOR ILLEGAL

POLITICAL ACTIVITY".

4. PARAGRAPH 4 E TO READ: "ARBITRARY SEARCH AND SEIZURE HAS NOT BEEN A MAJOR HUMAN RIGHTS PROBLEM IN NEPAL. EXCEPT FOR SPECIFIC ACTS, SUCH AS RECENTLY ENACTED NARCOTICS CONTROL LEGISLATION,, POLICE ARE REQUIRED TO OBTAIN AN ARREST WARRANT PRIOR TO SEARCH AND SEIZURE. IN RURAL AREAS, HOWEVER, THIS PRACTICE IS SELDOM HONORED AND LOCAL POLICE HAVE BEEN ACCUSED OF ARBITRARILY ACTING AGAINST SUSPECTS IN REMOTE AREAS OF THE COUNTRY.

5. FOLLOWING SENTENCE SHOULD BE DDED IN PARAGRAPH 5 FOLLOWING SENTENCE ENDING "INTEDNING TO INVOLVE THE OPLE IN PUBLIC AFFAIRS WHILE PROTECTING THE CROWN'S AUTHORITY": IN 1975 THE KING PROMULGATED AN AMENDMENT TO THE CONSTITUTION WHICH, IN EFFECT , WIPED OUT CONTESTED ELECTIONS AT ALL LEVELS OF THE POLITICAL SYSTEM. UNTIL NOW ALL CNADIDATES MUST BE VETTED BY THE GOVERNMENT IN ADVANCE AND ARE PRESENTED TO THE ELECTORATE AS A SINGLE CANDIDATE SLATE IN VIRTUALLY ALL ELECTIONS AT VILLAGE, DISTRICT AND NATIONAL LEVELS."

6. FIRST SENTENCE OF PARAGRAPH 5 (A) SHOULD READ: "LOYALTY TO THE PARTYLESS PANCHAYAT SYSTEM HANDED BY THE KING IS A PREQUISITE FOR LEGAL POLITICAL ACTIVITY, ALTHOUGH THE GOVERNMENT DOES ALLOW SOME PROMINENT OPPO-LIMITED OFFICIAL USE

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SITION LEADERS TO CRITICIZE THE SYSTEM PRIVATELY"

7. PARAGRAPH 5 (C) FIRST SENTENCE SHOULD READ: THE OVERT POLITICAL PROCESS IN NEPAL IS OPEN ONLY TO THOSE WHO PLEDGE ALLEGIANCE TO THE PARTYLESS SYSTEM. A FORMER FOREGIN MINISTER, FOR EXAMPLE, IS CURRENTLY BEING DETAINED FOR PUBLICATION OF ARTICLES CRITICAL OF THE SYSTEM, EVEN THOUGH THE ARTICLES WERE ISSUED ABROAD AND HAVE BEEN BANNED WITHIN THE COUNTRY."

8. PARAGRAPH 8 SHOULD READ: "THE GOVERNMENT OF NEPAL HAS ALLOWED REPRESENTATIVES OF AMNESTY INTERNATIONAL TO VISIT THE COUNTRY REPRESENTATIVES OF AMNESTY INTERNATIONAL TO VISIT THE COUNTRY AND TO REPORT ON HUMAN RIGHTS VIOLATIONS. IT HAS ALSO ALLOWED THE HEAD OF THE INDIAN JANATA PARTY TO VISIT NEPAL TO MAKE AN APPEAL TO THE KING FOR THRE RELEASE OF POLITICAL PRISONERS.

9. FINAL SENTENCE OF PARAGRAPH 10 SHOULD BE AMENDED TO READ: "IN ANY CASE US AID TO NEPAL WOULD PROVIDE LIMITED LEVERAGE TO MODIFY NEPALESE HUMAN RIGHTS PRACTICES.

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